

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK**

KRISTINA SARHADI,

Plaintiff,

- against -

**JUSTIN CATHAL GEEVER a/k/a
JUSTIN SANE, HARDWORK
DISTRIBUTION, INC., and DOE 1,**

Defendants

Civil Action No. 1:24-cv-00031

**APPLICATION AND DECLARATION
FOR ENTRY OF DEFENDANT
GEEVER’S DEFAULT**

JOHN F. O. MCALLISTER hereby applies to the Clerk of the Court for entry of default as to Defendant **JUSTIN CATHAL GEEVER** (“Defendant Geever”) and declares as follows:

1. I am an attorney duly admitted to the Northern District of New York and am Managing Partner of McAllister Olivarius, attorneys for Plaintiff Kristina Sarhadi herein.

2. I hereby make application to the Clerk of this Court for entry of default as to Defendant Geever pursuant to Rule 55(a), Federal Rules of Civil Procedure, and in support of this application state as follows:

- a. The summons was issued on January 23, 2024.
- b. Defendant Geever was served with copies of Plaintiff’s summons and complaint on January 30, 2024, as provided by Fed. R. Civ. Pro. Rule 4(c)(1). After two unsuccessful attempts to personally serve Defendant Geever at his last known address, Plaintiff posted the summons and complaint, along with any other necessary documents, to the front door of Defendant Geever’s residence pursuant to Fed. R. Civ. Pro. Rule 5(b)(C). An affidavit of service to this effect was filed on February 2, 2024. Dkt. 17.

- c. Defendant Geever neither answered nor otherwise responded formally to the initial complaint and summons, and the time to do so expired pursuant to Fed. R. Civ. Pro. Rule 12(a).
- d. On March 14, 2024, Plaintiff amended her complaint. On March 19, 2024, Plaintiff served the First Amended Complaint on Defendant Geever by sending it via certified mail to his residential address, although this was not necessary since he was already in default for failing to appear. *See* Fed. R. Civ. Pro. Rule 5(a)(2). A Certificate of Service for the First Amended Complaint was filed on March 19, 2024. Dkt. 26.
- e. On information and belief, Defendant Geever is fully aware of the lawsuit, has transferred his assets out of the country, and plans to or already has fled the United States. On information and belief, Defendant Geever's current U.S. residence is 8036 Thompson Run Road, Pittsburgh, PA 15237. Defendant Geever's commercial attorney Michael Johnson, a partner at the firm Kay Griffin Evans, PLLC, contacted Plaintiff to raise the idea of settling, but thereafter stopped communicating. He also has refused to accept service on his client's behalf. On information and belief, Defendant Geever entered a Power of Attorney with his sister, Mary Geever, a practicing attorney licensed in Pennsylvania.
- f. Defendant Geever is neither an infant nor an incompetent person requiring special service in accordance with Fed. R. Civ. Pro. Rule 4(b), and he is not serving with the armed forces of the United States entitled to protection under 50 U.S.C. App. Section 520.

g. Defendant Geever has neither answered nor otherwise responded formally to Plaintiff's First Amended Complaint, and the time to do so has expired pursuant to Fed. R. Civ. Pro. Rule 12(a).

WHEREFORE, Plaintiff requests the Clerk of the Court to enter Defendant Geever's default.

I, JOHN F. O. MCALLISTER, do hereby certify under penalty of perjury pursuant to 28 U.S.C. § 1746(2) that the above statements are true and accurate to the best of my knowledge and belief.

DATED: April 22, 2024



JOHN F. O. MCALLISTER
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DEFAULT ENTERED as to Defendant, Justin Cathal Geever a/k/a Justin Sane, this
____ day of _____, 20__.

Nicole Eallonardo
CLERK OF THE COURT

BY: _____
DEPUTY CLERK